

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JOHN D. CERQUEIRA,

Plaintiff,

v.

AMERICAN AIRLINES, INC.,

Defendant.

Civil Action No: 05-11652-WGY

DECLARATION OF DAVID S. GODKIN

I, David S. Godkin, depose and state the following:

INTRODUCTION/BACKGROUND

1. I am a partner with the law firm Birnbaum & Godkin, LLP, 280 Summer Street, Boston, Massachusetts 02210, and a member in good standing of the bar of the Commonwealth of Massachusetts, the United States District Court for the District of Massachusetts, and the United States Courts of Appeal for the First, Second and Federal Circuits.

2. Birnbaum & Godkin, LLP and the Public Citizen Litigation Group are co-counsel for the plaintiff, John D. Cerqueira, in this case. I submit this Declaration in support of the Plaintiff's Motion for Attorneys' Fees and Costs.

3. In May, 2004, Michael T. Kirkpatrick, Esq. contacted me to discuss Mr. Cerqueira's case. At the time, I was a partner at Testa, Hurwitz & Thibault, LLP ("Testa Hurwitz"). Mr. Kirkpatrick is Staff Counsel with the Public Citizen Litigation Group in Washington, D.C., which Mr. Cerqueira had retained to represent him. Mr. Kirkpatrick was seeking a Massachusetts law firm to act as *pro bono* co-counsel, and I agreed to handle the case on that basis.

COMPOSITION OF THE LEGAL TEAM

4. I have more than 25 years of experience in complex civil litigation, including business, intellectual property and civil rights litigation.

5. I attended the University of Vermont and graduated *magna cum laude* in 1977. I attended the Georgetown University Law Center and graduated *magna cum laude* in 1981. I was an associate at Hale & Dorr from 1981 until 1985, and an associate at McCabe/Gordon from 1985 until 1987. I joined Testa, Hurwitz as an associate in 1987 and became a partner in 1989.

6. In early 2005, when the partners of Testa, Hurwitz voted to dissolve the firm, I formed a new firm, Birnbaum & Godkin, LLP, and continued to handle the case on a *pro bono* basis. Mr. Cerqueira agreed to pay all out-of-pocket costs.

7. Birnbaum & Godkin, LLP is a small litigation boutique concentrating in business, intellectual property and civil rights litigation. I represent companies and individuals in civil litigation, including complex commercial disputes. In addition, I am the co-chair of the Board of Directors of the Lawyers' Committee for Civil Rights Under Law of the Boston Bar Association, and have been a board member since 1989. I have received Martindale Hubbell's highest peer rating of "AV." According to Martindale Hubbell, "[a]n AV Rating shows that a lawyer has reached the height of professional excellence. He or she has usually practiced law for many years, and is recognized for the highest levels of skill and integrity." See http://www.martindale.com/xp/Martindale/About_Us/Ratings/ratings-categories.xml.

8. I have acted as lead counsel in a number of high profile civil rights cases in this Court, including *Jane Doe No. 1., et al. vs. The City of Boston and The Boston Housing Authority*, Civil Action No. 96-12540-RCL and *South End Lower Roxbury Housing & Planning Coalition, et al. vs. The City of Boston, et al.*, Civil Action No. 00-11716-PBS. I have tried

complex business cases in this Court, including *Summit Technology, Inc. vs. Nidek Co., Ltd.*, *Nidek, Inc. and Nidek Technologies, Inc.*, Civil Action No. 98-12611-EFH and *Perceptive Biosystems, Inc. and Purdue Research Foundation vs. Pharmacia Biotech, Inc., et al.*, Civil Action No. 93-12237-PBS. The experience gained in these cases contributed to the efficiency with which this matter has been handled. I have also handled numerous trials and evidentiary hearings in other courts and in arbitration proceedings.

9. At Testa Hurwitz, my billing rate was \$550 per hour in 2004 and 2005. When I formed Birnbaum & Godkin, LLP in February 2005, I discounted my billing rate to \$390 per hour in order to attempt to attract business to our new firm. To the best of my knowledge and belief, the rate that I bill commercial clients of the firm is far below the rates being charged by lawyers of comparable skill, reputation and experience in the Boston marketplace, including my former partners at Testa Hurwitz who have joined established firms. I understand that some of my former partners with similar experience, reputation and skill who now practice at established firms bill in excess of \$700 per hour.

10. Mr. Kirkpatrick is a 1991 graduate of the American University, Washington College of Law, with extensive experience in civil rights litigation with the Farm Worker Division of Texas Rural Legal Aid, Inc. and as a senior trial attorney with the Civil Rights Division of the U.S. Department of Justice. I understand that Mr. Kirkpatrick is seeking compensation at a rate of \$375 per hour for his work in this case, and believe that an attorney of comparable skill, reputation and experience in the Boston marketplace would charge a substantially higher hourly rate.

11. I delegated to an associate the responsibility for day-to-day management of the case in order to be as cost effective as possible. At Testa Hurwitz, that associate was Kim

Nuzum until she left on a parental leave, and then Dawn Perlman. Ms. Nuzum is a 1998 graduate of Boston University School of Law. In 2004, her billing rate at Testa Hurwitz was \$300 per hour. Ms. Perlman is a 2001 graduate of Northeastern University School of Law. In 2004 and 2005, her billing rate at Testa Hurwitz was \$275 per hour. When I moved my practice to my new firm, the associate was Erica Abate Recht until she left on a parental leave. Ms. Abate Recht is a 1998 graduate of Boston University Law School who joined Testa Hurwitz upon graduation as an associate, and joined Birnbaum & Godkin, LLP in 2005. Her billing rate at Birnbaum & Godkin, LLP was \$190 per hour in 2005 and \$205 per hour in 2006. In addition, I assigned certain tasks to more junior associates, including Jessica Edgerton until she relocated to Chicago, and Darleen Cantelo, who assisted me and Mr. Kirkpatrick with summary judgment, trial preparation and trial. Ms. Edgerton is a 2004 graduate of Indiana University School of Law. Her billing rate was \$130 per hour in 2005 and 2006. Ms. Cantelo is a 2004 graduate of Northeastern University Law School. Her billing rate was \$130 per hour in 2006 and \$150 per hour in 2007. Finally, in an effort to be cost effective, certain tasks were delegated to a paralegal, Brian Vogler. Mr. Vogler's billing rate was \$90 per hour in 2005 and 2006, and \$100 per hour in 2007.

OVERVIEW OF LEGAL SERVICES PROVIDED BY PLAINTIFF'S COUNSEL

12. As co-counsel on behalf of Mr. Cerqueira, Mr. Kirkpatrick and I shared responsibility for the case and were careful not to duplicate efforts. Initially, we filed a complaint on behalf of Mr. Cerqueira with the Massachusetts Commission Against Discrimination. Upon receipt of a Probable Cause finding, we exercised Mr. Cerqueira's right to remove the case to this Court, filing the Complaint in August, 2005. While the Complaint named a number of American Airlines employees as defendants, we agreed to drop the

individual defendants upon receiving American's stipulation that all of its employees were acting within the scope of their responsibilities.

13. We did everything possible to expedite this matter. The case proceeded from complaint to trial in 17 months. We conducted no more discovery than was necessary to prove the case.

14. Mr. Kirkpatrick and I were careful not to duplicate efforts. For example, we did not send more than one attorney to any deposition. Mr. Kirkpatrick took responsibility for defending Mr. Cerqueira at his deposition (and for Mr. Cerqueira's direct examination at trial). Mr. Kirkpatrick traveled alone to Texas to take the depositions of Mr. Marquis and Ms. Cobbs, and to Nevada to defend the deposition of Mr. Laird. I traveled alone to Florida to take the depositions of Dr. Blumenthal and Dr. Faulk for use at trial. Ms. Abate Recht took all of the other depositions of American Airlines employees, including Captain Ehlers, First Officer Ball, Flight Attendants Walling, Sargent and Milenkovich, Ms. Traer and Mr. Flores. Neither Mr. Kirkpatrick nor I attended any of these depositions. Finally, to conserve costs, we opted not to take depositions of the defendant's psychiatric expert, Dr. Kelly, or the defendant's security expert, Mr. Beardslee.

15. By any measure, Plaintiff's counsel produced an excellent result for Mr. Cerqueira, with a \$400,000 jury verdict, including a \$270,000 punitive damage award.

REASONABLENESS OF HOURS CLAIMED

16. Mr. Cerqueira requests an award of attorneys' fees for approximately 1,700 hours spent on this case from inception through the conclusion of the trial¹. A detailed description of

¹ The plaintiff will file a Supplemental Motion to take into account work performed after trial, including responding to post-trial motions, the fee petition, and any appeal.

the hours being claimed by attorneys at Testa, Hurwitz is attached as Exhibit A². A detailed description of the hours being claimed by attorneys at Birnbaum & Godkin, LLP is attached as Exhibit B. All of the entries on Exhibits A and B were contemporaneously recorded and copied from the actual time records generated by the timekeeping software used by Testa, Hurwitz and Birnbaum & Godkin, LLP. The actual billing records are not submitted herewith because I have exercised billing judgment and am seeking fees for less than all of the hours spent. I have only included time that was absolutely necessary to the case, and have eliminated duplication, as well as all time recorded by various summer associates at Testa, Hurwitz researching various possible causes of action and affirmative defenses.

17. A detailed description of the hours being claimed by Mr. Kirkpatrick is attached to Mr. Kirkpatrick's declaration as Exhibit 1. As set forth in Mr. Kirkpatrick's Declaration, all of the entries on Exhibit 1 were contemporaneously recorded and copied from the actual time records generated by the timekeeping software used by the Public Citizen Litigation Group.

SUMMARY OF HOURS CLAIMED

18. The hours claimed by the plaintiff are summarized as follows:

² Testa, Hurwitz continues to exist as a partnership in dissolution. Any award of fees attributable to hours performed by Testa, Hurwitz attorneys will be remitted to the partnership in dissolution.

Individual	Requested Hours
Michael T. Kirkpatrick	802.55
David S. Godkin	317.75
Darleen Cantelo	258.25
Erica Abate Recht	200
David Becker	42.50
Jessica Edgerton	41
G. Brian Vogler	15.50
Dawn Perlman	15
Kimberly Nuzum	6.5
Philip Longo	6
Adina Rosenbaum	4.8
Allison Zieve	2.8
Brian Wolfman	1.4
TOTAL	1714.05

COSTS

19. A Bill of Costs seeking taxable costs will be filed separately. In addition to taxable costs, the plaintiff seeks an award of costs for expert witnesses fees, travel, computerized

legal research (Westlaw), courier, postage, fax, and FedEx. These non-taxable recoverable costs, through December 31, 2006³ are itemized as follows:

Expert witness fees	\$11,192.23 ⁴
Travel	5,464.48 ⁵
Computerized research (Westlaw)	2,353.00
Courier	183.40
FedEx	47.24
Postage	42.71
Fax	<u>16.00</u>
TOTAL	<u>\$19,299.06</u>

20. I have attached hereto as Exhibit C the Order on Petition for Attorneys' Fees and Costs entered by Judge Zobel in *Sarsfield v. City of Marlborough, et al.*, 03- 10319-RWZ, on January 26, 2007.

Signed under penalties of perjury this 30th day of January, 2007.

/s/ David S. Godkin

David S. Godkin

³ The Plaintiff will file a Supplemental Motion to take into account any additional recoverable costs incurred in January 2007 and beyond, in connection with post-trial motions, the fee petition, and any appeal.

⁴ This amount includes \$2,445 charged by Dr. Faulk for his time spent in connection with his deposition for use at trial, \$1,200 charged by Dr. Blumenthal for his time spent in connection with his deposition for use at trial, and \$7,547.23 charged by Mr. Douglas Laird, Plaintiff's expert witness on security issues.

⁵ This amount includes my travel expenses to Ft. Lauderdale in connection with the depositions of Dr. Blumenthal and Faulk for use at trial, and Mr. Kirkpatrick's travel expenses to Reno for Mr. Laird's deposition, and to Boston for Mr. Cerqueira's deposition, a mediation with Magistrate Judge Dein, the hearing on summary judgment motions, the Final Pretrial Conference, and Trial.

EXHIBIT A

TESTA, HURWITZ & THIBEAULT, LLP
FEE CHART

Date	Description	Hours	Rate	Total	Lawyer
May 3/2004	Review case summary; telephone from M. Kirkpatrick	1.25	390.00	487.50	Godkin, David S.
May 5/2004	Telephone to M. Kirkpatrick	0.75	390.00	292.50	Godkin, David S.
May 10/2004	Draft engagement letter	0.50	390.00	195.00	Godkin, David S.
May 14/2004	Alshrafi pleadings	1.50	390.00	585.00	Godkin, David S.
May 17/2004	Review Alshrafi pleadings	0.50	390.00	195.00	Godkin, David S.
May 21/2004	Review materials relevant to case; participate in conference call with Public Citizen Group; follow up on call	2.50	205.00	512.50	Nuzum, Kimberly C.
June 2/2004	Research regarding DOT settlements regarding similar suits; review of relevant case law	1.50	205.00	307.50	Nuzum, Kimberly C.
June 3/2004	Review memo regarding facts and courses of action; review relevant case law; research regarding DOT; telephone call with D. Godkin; prepare next steps	2.50	205.00	512.50	Nuzum, Kimberly C.
June 9/2004	Review Alshrafi decision	1.00	390.00	390.00	Godkin, David S.
Sep 3/2004	Drafting MCAD complaint	0.25	205.00	51.25	Perlman, Dawn M.
Sep 7/2004	Drafting complaint to MCAD	2.50	205.00	512.50	
Sep 13/2004	Drafted MCAD Complaint; gathered state police record and distributed to D. Godkin and M. Kirkpatrick	3.00	205.00	615.00	Perlman, Dawn M.
Sep 13/2004	Review and revise draft Charge of Discrimination; Public Records Act request; conference with M. Kirkpatrick; review State Police record; telephone to D. Perlman	2.25	390.00	877.50	Godkin, David S.
Oct 8/2004	Review DOT complaint v. American Airlines; Consent Decree	0.75	390.00	292.50	Godkin, David S.
Oct 13/2004	Notice of Appearance forms for D. Perlman and D. Godkin; gathered forms for filing with MCAD; email correspondence with M. Kirkpatrick regarding same	1.00	205.00	205.00	Perlman, Dawn M.
Dec 27/2004	Office conference with J. Cerqueira, M. Kirkpatrick and D. Godkin	3.50	205.00	717.50	Perlman, Dawn M.
Dec 27/2004	Conference with M. Kirkpatrick, J. Cerqueira, D. Perlman	3.00	390.00	1170.00	Godkin, David S.
Jan 3/2005	Review AA position statement	0.75	390.00	292.50	Godkin, David S.
Jan 3/2005	Reviewed position statement from AA; Telephone conversation with MCAD investigator regarding jurisdictional issues and postponing conference. Reviewed memos regarding jurisdiction and case law.	2.25	205.00	461.25	Perlman, Dawn M.
Jan 4/2005	Telephone conference with MCAD investigator regarding investigative conference	1.00	205.00	205.00	Perlman, Dawn M.
Jan 5/2005	Conference call with client	1.00	390.00	390.00	Godkin, David S.
Jan 11/2005	Prepare for MCAD hearing; notice of appearance for M. Kirkpatrick	1.50	205.00	307.50	Perlman, Dawn M.
Jan 12/2005	Investigative conference at MCAD; follow up discussions with J. Cerqueira and M. Kirkpatrick	2.50	205.00	512.50	Perlman, Dawn M.
Jan 12/2005	Attend investigative conference	2.50	390.00	975.00	Godkin, David S.
	TOTAL:	39.75		TOTAL: \$11,062.50	

TESTA, HURWITZ & THIBEAULT, LLP
FEE CHART SUMMARY

	Hours	Rate	Amount
David S. Godkin	15.75	390.00	\$6,142.50
Kimberly C. Nuzum	6.5	205.00	\$1,332.50
Dawn M. Perlman	15	205.00	\$3,075.00

EXHIBIT B

BIRNBAUM & GODKIN LLP
FEE CHART

Page 1

Date	Description	Hours	Rate	Total	Lawyer
Feb 1/2005	Reviewing draft rebuttal; email M.Kirkpatrick; Motions	0.50	390.00	195.00	Godkin, David S.
Feb 21/2005	Review M.Fitzhugh corrections to MCAD	0.25	390.00	97.50	Godkin, David S.
Feb 22/2005	Review Respondent's objections to interrogatories	0.50	205.00	102.50	Abate Recht, Erica
Mar 9/2005	Review Answers to Interrogatories	0.25	205.00	51.25	Abate Recht, Erica
May 6/2005	Review probable cause finding; email client, M.Kirkpatrick	0.50	390.00	195.00	Godkin, David S.
May 9/2005	Review Probable Cause Order	0.50	205.00	102.50	Abate Recht, Erica
May 17/2005	Conference call with J.Cerqueira	0.75	390.00	292.50	Godkin, David S.
May 17/2005	Teleconference with M.Kirkpatrick and J.Cerqueira	0.50	205.00	102.50	Abate Recht, Erica
Jul 28/2005	Review draft complaint	0.50	390.00	195.00	Godkin, David S.
Jul 29/2005	Review and revise complaint; locate and send pro hac vice certificate to M.Kirkpatrick	1.25	390.00	487.50	Godkin, David S.
Aug 1/2005	Review MCAD website for procedure regarding filing new suit	0.25	205.00	51.25	Abate Recht, Erica
Aug 1/2005	Email M.Fitzhugh; telephone to M.Fitzhugh	0.50	390.00	195.00	Godkin, David S.
Aug 2/2005	Email client, M.Kirkpatrick	0.25	390.00	97.50	Godkin, David S.
Aug 8/2005	Final review of complaint; prepare Civil Action Cover Sheet, other forms for filing complaint	1.00	390.00	390.00	Godkin, David S.
Aug 9/2005	Attention to court filing.	0.50	100.00	50.00	Vogler, G. Brian
Aug 9/2005	File complaint; letter to MCAD	0.50	390.00	195.00	Godkin, David S.
Aug 10/2005	Email M.Fitzhugh	0.25	390.00	97.50	Godkin, David S.
Aug 12/2005	Email M.Fitzhugh	0.25	390.00	97.50	Godkin, David S.
Aug 18/2005	Review DOT pleadings; telephone to J.Cerqueira	0.50	390.00	195.00	Godkin, David S.
Aug 19/2005	Telephone from M.Fitzhugh	0.25	390.00	97.50	Godkin, David S.
Aug 25/2005	File pleading with federal court.	0.25	100.00	25.00	Vogler, G. Brian
Aug 25/2005	Telephone call to M.Kirkpatrick.	0.25	390.00	97.50	Godkin, David S.
Aug 31/2005	Revise letter to M.Fitzhugh; review draft amended complaint; email M.Fitzhugh	1.00	390.00	390.00	Godkin, David S.
Aug 31/2005	Attention to amended complaint	0.50	205.00	102.50	Abate Recht, Erica
Sep 1/2005	Attention to amended complaint	0.25	205.00	51.25	Abate Recht, Erica
Sep 6/2005	Attention to amended complaint and telephone call with M.Kirkpatrick regarding same	0.50	205.00	102.50	Abate Recht, Erica
Sep 14/2005	Amended complaint	0.25	390.00	97.50	Godkin, David S.
Sep 14/2005	Conference with E Abate Recht regarding document request	0.25	390.00	97.50	Godkin, David S.
Sep 14/2005	Attention to amended complaint	0.25	205.00	51.25	Abate Recht, Erica
Sep 30/2005	Review Answer to Amended Complaint	0.25	390.00	97.50	Godkin, David S.
Oct 6/2005	Review Answer	0.25	205.00	51.25	Abate Recht, Erica
Oct 11/2005	Review local rules regarding initial disclosures, etc.; email M.Kirkpatrick	0.50	390.00	195.00	Godkin, David S.
Oct 19/2005	Telephone to M.Kirkpatrick	0.25	390.00	97.50	Godkin, David S.
Nov 9/2005	Review notice of initial scheduling conference	0.25	390.00	97.50	Godkin, David S.
Nov 15/2005	Attention to scheduling order	1.25	205.00	256.25	Abate Recht, Erica
Nov 22/2005	Conference call with M.Kirkpatrick; email M.Fitzhugh	0.50	390.00	195.00	Godkin, David S.

BIRNBAUM & GODKIN LLP
FEE CHART

Page 2

Date	Description	Hours	Rate	Total	Lawyer
Nov 22/2005	Attention to certifications	1.00	205.00	205.00	Abate Recht, Erica
Nov 28/2005	Review J. Cerqueira email; teleconference with client, M. Kirkpatrick	1.25	390.00	487.50	Godkin, David S.
Nov 28/2005	Teleconference with M. Kirkpatrick and J. Cerqueira and attention to certifications	1.50	205.00	307.50	Abate Recht, Erica
Nov 30/2005	Review medical records	0.25	390.00	97.50	Godkin, David S.
Dec 1/2005	Attention to Joint Statement	3.25	205.00	666.25	Abate Recht, Erica
Dec 1/2005	Revise Settlement Demand, issues for Joint Statement, proposed schedule; email M. Kirkpatrick; email M. Fitzhugh	1.25	390.00	487.50	Godkin, David S.
Dec 5/2005	Email M. Fitzhugh; email M. Kirkpatrick; email J. Cerqueira regarding settlement proposal	1.00	390.00	390.00	Godkin, David S.
Dec 6/2005	Attention to joint statement	1.75	205.00	358.75	Abate Recht, Erica
Dec 6/2005	Telephone from A.M. Gerber; email M. Kirkpatrick; email A.M. Gerber regarding Joint Statement dates	0.75	390.00	292.50	Godkin, David S.
Dec 7/2005	Emails M. Fitzhugh, M. Kirkpatrick	0.75	390.00	292.50	Godkin, David S.
Dec 8/2005	Attention to joint statement	2.25	205.00	461.25	Abate Recht, Erica
Dec 8/2005	Telephone from M. Fitzhugh; review draft Joint Statement	0.50	390.00	195.00	Godkin, David S.
Dec 9/2005	Joint Statement	0.25	390.00	97.50	Godkin, David S.
Dec 12/2005	Finalize Joint Statement and file same; Telephone call to J. Cerqueira	1.00	205.00	205.00	Abate Recht, Erica
Dec 12/2005	Conference with E. Abate Recht	0.25	390.00	97.50	Godkin, David S.
Dec 13/2005	Review medical records	1.25	205.00	256.25	Abate Recht, Erica
Dec 14/2005	Conference with E. Abate Recht regarding initial disclosures; review and revise initial disclosures	1.00	390.00	390.00	Godkin, David S.
Dec 14/2005	Draft Initial Disclosures; review documents in connection with same.	3.00	205.00	615.00	Abate Recht, Erica
Dec 19/2005	Rule 16 Conference; Memo to file in connection with same; Attention to Initial Disclosures	2.50	205.00	512.50	Abate Recht, Erica
Dec 19/2005	Initial scheduling conference	1.00	390.00	390.00	Godkin, David S.
Dec 20/2005	Attention to schedule and Initial Disclosures; email with A. Gerber regarding same	0.75	205.00	153.75	Abate Recht, Erica
Dec 20/2005	Review orders; conference with E. Abate Recht regarding initial disclosures, schedule	0.50	390.00	195.00	Godkin, David S.
Dec 21/2005	Revise Initial Disclosures; email same to client and co-counsel; Attention to case calendar; email with A.M. Gerber regarding same	1.75	205.00	358.75	Abate Recht, Erica
Jan 3/2006	Finalize Initial Disclosures and serve same	0.50	205.00	102.50	Abate Recht, Erica
Jan 3/2006	Initial disclosures	0.25	390.00	97.50	Godkin, David S.
Jan 4/2006	Draft Discovery requests	1.00	205.00	205.00	Abate Recht, Erica
Jan 4/2006	Review draft discovery requests	0.25	390.00	97.50	Godkin, David S.
Jan 5/2006	Discovery requests	0.25	390.00	97.50	Godkin, David S.
Jan 5/2006	Attention to discovery requests	0.75	205.00	153.75	Abate Recht, Erica
Jan 10/2006	Attention to Initial Disclosures	0.25	205.00	51.25	Abate Recht, Erica
Jan 11/2006	Review Initial Disclosures and documents	1.25	205.00	256.25	Abate Recht, Erica
Jan 13/2006	Review American Airlines discovery requests	0.25	390.00	97.50	Godkin, David S.

BIRNBAUM & GODKIN LLP
FEE CHART

Page 3

Date	Description	Hours	Rate	Total	Lawyer
Jan 17/2006	Telephone call with J. Cerqueira regarding medical records; email to M. Kirkpatrick and D. Godkin regarding same; email from A.M. Gerber	0.75	205.00	153.75	Abate Recht, Erica
Jan 17/2006	Work on preparing answers to defendant's interrogatories and response to document request.	1.75	130.00	227.50	Edgerton, Jessica A.
Jan 23/2006	Telephone call with A.M. Gerber and attention to same	0.50	205.00	102.50	Abate Recht, Erica
Jan 24/2006	Attention to Offer of Judgment	0.25	205.00	51.25	Abate Recht, Erica
Jan 26/2006	Review AA automatic disclosures	0.50	390.00	195.00	Godkin, David S.
Jan 27/2006	Review American Airlines Automatic Disclosure document production	1.00	390.00	390.00	Godkin, David S.
Jan 31/2006	Draft Protective Order; Attention to deposition scheduling	1.25	205.00	256.25	Abate Recht, Erica
Feb 1/2006	Email M. Kirkpatrick; review and revise draft protective order	0.75	390.00	292.50	Godkin, David S.
Feb 1/2006	Draft Protective Order; Attention to deposition scheduling	2.00	205.00	410.00	Abate Recht, Erica
Feb 2/2006	Emails regarding deposition scheduling	0.50	390.00	195.00	Godkin, David S.
Feb 6/2006	Conference with E. Abate Recht regarding deposition	0.25	390.00	97.50	Godkin, David S.
Feb 6/2006	Attention to Protective Order; Telephone with A.M. Gerber regarding deposition scheduling and protective order; email to J. Cerqueira, M. Kirkpatrick and D. Godkin regarding same	1.00	205.00	205.00	Abate Recht, Erica
Feb 7/2006	Conference with E. Abate Recht	0.25	390.00	97.50	Godkin, David S.
Feb 7/2006	Review draft interrogatories and revise same	3.25	205.00	666.25	Abate Recht, Erica
Feb 8/2006	Review draft answers to interrogatories; email E. Abate Recht regarding research issues, Rule 35 issues	2.00	390.00	780.00	Godkin, David S.
Feb 8/2006	Attention to proposed protective order; email with A.M. Gerber regarding same; Attention to Rule 35; Attention to deposition scheduling	1.75	205.00	358.75	Abate Recht, Erica
Feb 9/2006	Email M. Fitzhugh regarding discovery responses	0.25	390.00	97.50	Godkin, David S.
Feb 13/2006	Review Rule 35; email co-counsel regarding motion, schedule	0.50	390.00	195.00	Godkin, David S.
Feb 13/2006	Telephone to A.M. Gerber regarding medical exam and attention to same; attention to interrogatories	0.50	205.00	102.50	Abate Recht, Erica
Feb 14/2006	Conference with E. Abate Recht regarding Rule 35 exam; review document list; emails regarding Rule 35 exam; review document response	1.00	390.00	390.00	Godkin, David S.
Feb 14/2006	Attention to medical exam, including emails with D. Godkin and M. Kirkpatrick and correspondence with A.M. Gerber; Attention to discovery responses	2.50	205.00	512.50	Abate Recht, Erica
Feb 15/2006	Email E. Abate Recht regarding Rule 35 issues; conference with E. Abate Recht, J. Edgerton regarding research; review American Airlines discovery responses	1.50	390.00	585.00	Godkin, David S.
Feb 15/2006	Research regarding specificity of motions under Federal Rule 35	1.25	130.00	162.50	Edgerton, Jessica A.
Feb 15/2006	Attention to discovery responses; medical examination and emails with A.M. Gerber regarding same	3.25	205.00	666.25	Abate Recht, Erica
Feb 16/2006	Discovery responses	1.00	390.00	390.00	Godkin, David S.

BIRNBAUM & GODKIN LLP
FEE CHART

Page 4

Date	Description	Hours	Rate	Total	Lawyer
Feb 16/2006	Final assembly of Answers to Interrogatories and Document Response; cover letter to M. Fitzhugh.	0.25	130.00	32.50	Edgerton, Jessica A.
Feb 16/2006	Email with A.M. Gerber regarding medical examination	0.25	205.00	51.25	Abate Recht, Erica
Feb 17/2006	Review American Airlines discovery responses	0.50	390.00	195.00	Godkin, David S.
Feb 21/2006	Attention to deposition scheduling and email to client regarding same; email regarding Rule 35 exam	0.75	205.00	153.75	Abate Recht, Erica
Feb 22/2006	Review emails regarding discovery responses, deposition schedule; email M. Kirkpatrick	1.00	390.00	390.00	Godkin, David S.
Feb 22/2006	Attention to deposition scheduling	0.25	205.00	51.25	Abate Recht, Erica
Feb 27/2006	Email regarding deposition scheduling and Rule 35 exam	0.25	205.00	51.25	Abate Recht, Erica
Mar 6/2006	Emails with M. Fitzhugh regarding deposition scheduling and attention to same.	1.00	205.00	205.00	Abate Recht, Erica
Mar 9/2006	Email M. Kirkpatrick regarding discovery issues; conference with J. Edgerton regarding research	0.50	390.00	195.00	Godkin, David S.
Mar 13/2006	Review AA's responses to discovery requests; emails with M. Fitzhugh regarding Rule 35 exam and depositions; telephone calls with M. Kirkpatrick regarding same	4.50	205.00	922.50	Abate Recht, Erica
Mar 13/2006	Conference with E. Abate Recht; email M. Fitzhugh	0.50	390.00	195.00	Godkin, David S.
Mar 14/2006	Review proposed assented-to motion and revisions; email	0.25	390.00	97.50	Godkin, David S.
Mar 14/2006	Negotiate Rule 35 motion with opposing counsel; emails regarding same; meeting with J. Edgerton regarding legal research regarding motion to compel and evidentiary issues	1.25	205.00	256.25	Abate Recht, Erica
Mar 14/2006	Meet with E. Abate Recht regarding research issues; research regarding admissibility of "pattern of discrimination."	0.25	130.00	32.50	Edgerton, Jessica A.
Mar 15/2006	Conference call regarding discovery and case planning	1.00	390.00	390.00	Godkin, David S.
Mar 15/2006	Review AA responses to discovery requests; telephone with D. Godkin and M. Kirkpatrick regarding same	2.25	205.00	461.25	Abate Recht, Erica
Mar 15/2006	Research regarding discoverability of pattern evidence relative to motion to compel; meet with E. Abate Recht regarding same; research admissibility of pattern evidence at trial	4.00	130.00	520.00	Edgerton, Jessica A.
Mar 20/2006	Attention to subpoena to police; Telephone with A. Kerry regarding depositions; review correspondence to AA regarding discovery	0.75	205.00	153.75	Abate Recht, Erica
Mar 20/2006	Preparation of Federal Subpoena and Schedule A to the Massachusetts State Police; attention to document collection relative to depositions of American Airline attendants.	2.25	130.00	292.50	Edgerton, Jessica A.
Mar 21/2006	Prepare for depositions; Review and finalize subpoena to state police; telephone to A. Kerry regarding depositions	2.25	205.00	461.25	Abate Recht, Erica
Mar 21/2006	Review correspondence; conference with E. Abate Recht	0.50	390.00	195.00	Godkin, David S.

BIRNBAUM & GODKIN LLP
FEE CHART

Page 5

Date	Description	Hours	Rate	Total	Lawyer
Mar 21/2006	Review and collection of documents for depositions of American Airlines crew; revisions to Mass State Police deposition subpoena; meet with E.Abate Recht regarding subpoena and contacting police by telephone for interviews; telephone calls and emails with offices of Drs. Blumenthal and Faulk regarding scheduling depositions; telephone call with client regarding same; preparation of medical authorization for Doctor Faulk.	5.50	130.00	715.00	Edgerton, Jessica A.
Mar 22/2006	Telephone calls with police regarding December 2003 incident; research admission of pattern evidence against American Airlines	5.00	130.00	650.00	Edgerton, Jessica A.
Mar 22/2006	Prepare for Walling, Sargent and Milenkovic depositions, including reviewing documents and responses to discovery responses and creating deposition outline.	5.25	205.00	1076.25	Abate Recht, Erica
Mar 23/2006	Preparation of deposition outline for flight attendants; collection of documents for deposition.	2.00	130.00	260.00	Edgerton, Jessica A.
Mar 24/2006	Attention regarding police interviews; attempts to contact officers.	0.25	130.00	32.50	Edgerton, Jessica A.
Mar 27/2006	Prepare for depositions; attention to state police witnesses	5.50	205.00	1127.50	Abate Recht, Erica
Mar 27/2006	Review and revise deposition outlines; review email	0.50	390.00	195.00	Godkin, David S.
Mar 27/2006	Collect and organize documents for flight attendant depositions.	1.00	130.00	130.00	Edgerton, Jessica A.
Mar 28/2006	Conference with E.Abate Recht regarding depositions	0.50	390.00	195.00	Godkin, David S.
Mar 28/2006	Depositions of S.Walling, L.Sargent and A.Milenkovic; Telephone with A.Kerry regarding depositions of Ball, Flores and Traer and email to D.Godkin and M.Kirkpatrick regarding same; Attention to deposition notices.	8.75	205.00	1793.75	Abate Recht, Erica
Mar 28/2006	Review current America Airlines document production; letter to M.Kirkpatrick enclosing same; collection of produced documents; preparation of deposition notices to Ball, Flores, Traer; letter to M.Fitzhugh forwarding same; meeting with E.Abate Recht regarding same.	2.00	130.00	260.00	Edgerton, Jessica A.
Mar 29/2006	Attention to depositions of Ball, Flores and Traer; telephone with M.Kirkpatrick regarding depositions of flight attendants	2.25	205.00	461.25	Abate Recht, Erica
Mar 29/2006	Review deposition testimony; conduct telephone interview with Sargent Sullivan, prepare conversation notes; further calls to police; revision of deposition notices to flight attendants, revise letter to M.Fitzhugh.	2.75	130.00	357.50	Edgerton, Jessica A.
Mar 30/2006	Review deposition transcripts.	3.00	130.00	390.00	Edgerton, Jessica A.
Mar 31/2006	Attention regarding scheduling doctors' depositions; continued attempts at contacting police officers for telephone interviews.	0.75	130.00	97.50	Edgerton, Jessica A.
Apr 3/2006	Conference with J.Cerqueira, M.Kirkpatrick	2.50	390.00	975.00	Godkin, David S.
Apr 4/2006	Meeting with J.Cerqueira, M.Kirkpatrick and D.Godkin; Attention to deposition preparation for Ball, Flores and Traer	3.25	205.00	666.25	Abate Recht, Erica
Apr 4/2006	Conference with J.Cerqueira, M.Kirkpatrick regarding exam, deposition	1.50	390.00	585.00	Godkin, David S.

BIRNBAUM & GODKIN LLP
FEE CHART

Page 6

Date	Description	Hours	Rate	Total	Lawyer
Apr 5/2006	Prepare for depositions of Flores, Ball and Traer; Attention to expert witness search regarding racial profiling; Review memo regarding police interview; meeting with D. Godkin regarding Cerqueira deposition and email to M. Kirkpatrick in connection with same.	4.75	205.00	973.75	Abate Recht, Erica
Apr 5/2006	Conference with E. Abate Recht regarding discovery issues; review memo regarding state police interview; email M. Kirkpatrick regarding discovery	1.00	390.00	390.00	Godkin, David S.
Apr 5/2006	Send Fax - release of records to Dr. Faulk; Telephone call to Faulk's office regarding deposition scheduling; Attention regarding police interview scheduling; Telephone call to Massachusetts police legal department; report same to E. Abate Recht; Attention regarding emails between attorneys regarding discovery and strategy.	1.00	130.00	130.00	Edgerton, Jessica A.
Apr 6/2006	Review correspondence	0.25	390.00	97.50	Godkin, David S.
Apr 6/2006	Prepare for depositions of Ball, Flores and Traer	5.00	205.00	1025.00	Abate Recht, Erica
Apr 7/2006	Review deposition outlines	0.50	390.00	195.00	Godkin, David S.
Apr 10/2006	Telephone with M. Kirkpatrick; review M. Kirkpatrick comments to deposition outlines and incorporate same	3.00	205.00	615.00	Abate Recht, Erica
Apr 10/2006	Collect/review documents for depositions of Ball, Flores and Traer	1.00	130.00	130.00	Edgerton, Jessica A.
Apr 11/2006	Prepare for Ball, Flores and Traer depositions	3.00	205.00	615.00	Abate Recht, Erica
Apr 11/2006	Emails to J. Cerqueira; Telephone Call with Dr. Faulk's office regarding deposition scheduling and down payment for same; attention regarding deposition binders for E. Abate Recht; attempt to contact police regarding incident	0.75	130.00	97.50	Edgerton, Jessica A.
Apr 12/2006	Attention to case management.	0.25	100.00	25.00	Vogler, G. Brian
Apr 12/2006	Depositions of Ball, Traer and Flores; Email to M. Kirkpatrick in connection with same	8.00	205.00	1640.00	Abate Recht, Erica
Apr 17/2006	Police interview - Sullivan (2nd interview); attempt to contact Crowther; memorandum to file; emails regarding same; Attention regarding Captain Ehlers deposition documents to E. Abate	1.25	130.00	162.50	Edgerton, Jessica A.
Apr 18/2006	Attention to deposition transcript of J. Cerqueira; correspondence to J. Cerqueira in connection with same; Review Protective Order in connection with same; email to M. Kirkpatrick in connection with same; Review State Police response to subpoena	1.25	205.00	256.25	Abate Recht, Erica
Apr 18/2006	Attention regarding Captain Ehlers deposition preparation for E. Abate Recht; Telephone call with Dr. Faulk's office regarding deposition; email to E. Abate Recht and D. Godkin regarding same; Officer interviews - attempt to contact Crowther; attempt to contact Toomey	1.50	130.00	195.00	Edgerton, Jessica A.
Apr 18/2006	Prepare for Captain Ehlers deposition; attention to transcript of J. Cerqueira deposition; Review Supplemental Responses to Interrogatories	6.25	205.00	1281.25	Abate Recht, Erica
Apr 19/2006	Review AA's supplemental answers to Plaintiff's 1st set of Interrogatories	0.50	130.00	65.00	Edgerton, Jessica A.
Apr 20/2006	Review J. Cerqueira deposition transcript	3.00	205.00	615.00	Abate Recht, Erica
Apr 23/2006	Review emails regarding depositions, experts	0.50	390.00	195.00	Godkin, David S.
Apr 24/2006	Review deposition transcript of J. Cerqueira	3.25	205.00	666.25	Abate Recht, Erica

BIRNBAUM & GODKIN LLP
FEE CHART

Page 7

Date	Description	Hours	Rate	Total	Lawyer
Apr 24/2006	Review correspondence regarding discovery; review AA supplemental answers to interrogatories; conference with E. Abate Recht	1.00	390.00	390.00	Godkin, David S.
Apr 25/2006	Attention to case management: deposition transcripts.	0.25	100.00	25.00	Vogler, G. Brian
Apr 25/2006	Prepare for Captain Ehlers deposition; Review J. Cerqueira deposition transcript; Review Supplemental Initial Disclosures and email to M. Kirkpatrick regarding same	3.75	205.00	768.75	Abate Recht, Erica
Apr 25/2006	Document prep for E. Abate Recht for Captain Ehlers deposition	1.00	130.00	130.00	Edgerton, Jessica A.
Apr 26/2006	Deposition of Captain Ehlers; email to M. Kirkpatrick in connection with same.	3.75	205.00	768.75	Abate Recht, Erica
Apr 26/2006	Conference with E. Abate Recht regarding Captain Ehlers deposition	0.50	390.00	195.00	Godkin, David S.
Apr 27/2006	Telephone with M. Fitzhugh regarding Captain Ehlers testimony and AA witnesses	0.25	205.00	51.25	Abate Recht, Erica
Apr 28/2006	Review report of defendant's expert witness; email J. Cerqueira; email M. Kirkpatrick	0.50	390.00	195.00	Godkin, David S.
Apr 28/2006	Attention regarding Dr. Kelly's psychiatric evaluation of Cerqueira	0.50	130.00	65.00	Edgerton, Jessica A.
May 1/2006	Review and respond to emails from Fitzhugh regarding discovery; Review Flores deposition transcript in connection with same; Review Dr. Kelly's report; Review AA0033	1.75	205.00	358.75	Abate Recht, Erica
May 1/2006	Conference with E. Abate Recht regarding discovery issues	0.25	390.00	97.50	Godkin, David S.
May 8/2006	Attention to case management.	0.25	100.00	25.00	Vogler, G. Brian
May 8/2006	Email J. Cerqueira regarding Dr. Faulk deposition	0.25	390.00	97.50	Godkin, David S.
May 19/2006	Conference with J. Edgerton regarding depositions of doctors	0.25	390.00	97.50	Godkin, David S.
May 23/2006	Attention to scheduling order	0.25	205.00	51.25	Abate Recht, Erica
May 23/2006	Email J. Cerqueira; email M. Kirkpatrick; telephone from M. Kirkpatrick regarding case strategy; conference call with J. Cerqueira	2.25	390.00	877.50	Godkin, David S.
May 24/2006	Review Federal Rules of Civil Procedure and Local Rules regarding expert disclosures and scheduling	0.50	390.00	195.00	Godkin, David S.
May 24/2006	Attention to Scheduling Order and email to M. Kirkpatrick and D. Godkin regarding same	0.25	205.00	51.25	Abate Recht, Erica
May 26/2006	State police subpoena issues	0.50	390.00	195.00	Godkin, David S.
May 30/2006	Review FRE regarding admissibility of State Police Daily Administrative Log	1.00	390.00	390.00	Godkin, David S.
May 31/2006	Attention to pretrial disclosure schedule	0.50	390.00	195.00	Godkin, David S.
Jun 2/2006	Deposition notices	0.25	390.00	97.50	Godkin, David S.
Jun 6/2006	Review AA expert disclosure	0.25	390.00	97.50	Godkin, David S.
Jun 7/2006	Review biography for potential expert; telephone from M. Kirkpatrick	0.50	390.00	195.00	Godkin, David S.
Jun 8/2006	Prepare expert retainer letter	0.50	390.00	195.00	Godkin, David S.
Jun 9/2006	Draft insert for expert engagement letter	0.50	390.00	195.00	Godkin, David S.
Jun 12/2006	Prepare deposition transcripts for client.	0.50	100.00	50.00	Vogler, G. Brian
Jun 12/2006	Review emails regarding expert witness and review protective order in connection with same; meeting with D. Godkin	1.25	205.00	256.25	Abate Recht, Erica
Jun 12/2006	Conference with E. Abate Recht regarding discovery, trial depositions of treating physicians, trial preparation	0.50	390.00	195.00	Godkin, David S.

BIRNBAUM & GODKIN LLP
FEE CHART

Page 8

Date	Description	Hours	Rate	Total	Lawyer
Jun 14/2006	Review deposition outline and email to M. Kirkpatrick regarding same.	0.50	205.00	102.50	Abate Recht, Erica
Jun 19/2006	Research regarding expert witness testimony; Review retainer letter; correspondence to A. Mariani regarding police log; review memos to file regarding police interviews	2.50	205.00	512.50	Abate Recht, Erica
Jun 19/2006	Review draft correspondence, expert retainer agreement	0.50	390.00	195.00	Godkin, David S.
Jun 20/2006	Attention to subpoena to Mass State Police and telephone with S. Farrell regarding same.	0.50	205.00	102.50	Abate Recht, Erica
Jun 20/2006	Review email regarding admissibility of police report; conference with E. Abate Recht	0.25	390.00	97.50	Godkin, David S.
Jun 21/2006	Supplementation of discovery, completion of discovery, trial preparation; conference call with M. Kirkpatrick; conference with E. Abate Recht regarding expert examinations	1.75	390.00	682.50	Godkin, David S.
Jun 21/2006	Telephone with M. Kirkpatrick; research regarding evidence; Review discovery letter	4.50	205.00	922.50	Abate Recht, Erica
Jun 22/2006	Emails regarding presentation of Damages Case; prepare for trial depositions of treating physicians; email M. Kirkpatrick regarding mediation; telephone to M. Fitzhugh	2.75	390.00	1072.50	Godkin, David S.
Jun 23/2006	Review draft expert report and comment; telephone from M. Kirkpatrick	1.75	390.00	682.50	Godkin, David S.
Jun 26/2006	Research regarding evidentiary issues; Review expert report; telephone with S. Farrell regarding subpoena to State Police and attention to same; telephone to Dr. Faulk; telephone to Dr. Blumenthal and email to J. Cerqueira regarding same	4.50	205.00	922.50	Abate Recht, Erica
Jun 26/2006	Laird expert report; conference with E. Abate Recht regarding evidence issues	0.75	390.00	292.50	Godkin, David S.
Jun 27/2006	Revise draft Sullivan affidavit; telephone to M. Fitzhugh	0.50	390.00	195.00	Godkin, David S.
Jun 27/2006	Telephone with Trooper Sullivan and draft Affidavit of same; telephone to Dr. Faulk's office.	2.25	205.00	461.25	Abate Recht, Erica
Jun 30/2006	Letter from A. Mariani; email M. Kirkpatrick.	0.50	390.00	195.00	Godkin, David S.
Jul 5/2006	Letter regarding expert disclosures.	0.25	390.00	97.50	Godkin, David S.
Jul 5/2006	Review A. Mariani letter and M. Kirkpatrick response to same.	0.25	205.00	51.25	Abate Recht, Erica
Jul 10/2006	Telephone to Secretary of State regarding authentication and attention to same; Telephone to Trooper Sullivan and attention to affidavit; Attention to doctor resumes	1.75	205.00	358.75	Abate Recht, Erica
Jul 10/2006	Review Dr. Blumenthal CV	0.25	390.00	97.50	Godkin, David S.
Jul 11/2006	Attention to doctor depositions	1.75	205.00	358.75	Abate Recht, Erica
Jul 11/2006	Telephone to M. Fitzhugh; email J. Cerqueira regarding mediation	0.75	390.00	292.50	Godkin, David S.
Jul 12/2006	Email M. Fitzhugh; email J. Cerqueira	0.50	390.00	195.00	Godkin, David S.
Jul 13/2006	Telephone to Judge Young's Clerk; review order of reference; telephone to M. Paine	0.75	390.00	292.50	Godkin, David S.
Jul 18/2006	Review medical records and draft deposition outlines; Meeting with D. Godkin regarding Sullivan affidavit; email to J. Cerqueira regarding depositions	4.50	205.00	922.50	Abate Recht, Erica
Jul 18/2006	Conference with E. Abate Recht regarding physician depositions	0.25	390.00	97.50	Godkin, David S.
Jul 19/2006	Draft deposition outlines	3.25	205.00	666.25	Abate Recht, Erica
Jul 19/2006	Review medical records in preparation for doctor interviews and depositions	2.00	390.00	780.00	Godkin, David S.
Jul 19/2006	Meeting with E. Abate Recht to discuss research.	0.25	150.00	37.50	Cantelo, Darleen F.
Jul 20/2006	Telephone with Dr. Blumenthal	0.75	205.00	153.75	Abate Recht, Erica
Jul 20/2006	Telephone to Dr. Blumenthal; review medical records	1.50	390.00	585.00	Godkin, David S.

BIRNBAUM & GODKIN LLP
FEE CHART

Page 9

Date	Description	Hours	Rate	Total	Lawyer
Jul 24/2006	Prepare for doctors depositions; telephone with Dr. Faulk; prepare exhibits	3.00	205.00	615.00	Abate Recht, Erica
Jul 24/2006	Conference call with Dr. Faulk; review psychiatric records	1.50	390.00	585.00	Godkin, David S.
Jul 25/2006	Attention to doctor deposition exhibits	0.50	205.00	102.50	Abate Recht, Erica
Jul 25/2006	Prepare for depositions of treating physicians; travel to Ft. Lauderdale	6.00	390.00	2340.00	Godkin, David S.
Jul 26/2006	Depositions of Dr. Blumenthal and Dr. Faulk in Ft. Lauderdale; return travel to Boston	13.00	390.00	5070.00	Godkin, David S.
Jul 26/2006	Telephone with M.Paine regarding ADR assignment; telephone to R. Tyler regarding same; check docket regarding same.	0.50	205.00	102.50	Abate Recht, Erica
Jul 27/2006	Telephone with R. Tyler regarding ADR assignment and email to D. Godkin regarding same.	0.25	205.00	51.25	Abate Recht, Erica
Aug 2/2006	Revise Sullivan Affidavit and email with M.Kirkpatrick regarding same.	1.50	205.00	307.50	Abate Recht, Erica
Aug 3/2006	Review draft Sullivan Affidavit and revise	0.50	390.00	195.00	Godkin, David S.
Aug 7/2006	Telephone with clerk regarding mediation scheduling and emails regarding same; Revise Sullivan Affidavit and Letter to Sullivan regarding same.	1.75	205.00	358.75	Abate Recht, Erica
Aug 8/2006	Telephone with M.Kirkpatrick and D.Godkin	0.50	205.00	102.50	Abate Recht, Erica
Aug 8/2006	Conference call regarding case strategy	0.50	390.00	195.00	Godkin, David S.
Aug 10/2006	Attention to deposition transcripts.	0.25	100.00	25.00	Vogler, G. Brian
Aug 14/2006	Telephone to Trooper Sullivan	0.25	205.00	51.25	Abate Recht, Erica
Aug 15/2006	Research regarding eggshell skull doctrine and email to D.Godkin and M.Kirkpatrick regarding same; Review Cobb's deposition transcript	5.00	205.00	1025.00	Abate Recht, Erica
Aug 15/2006	Review "Eggshell Skull" cases	0.50	390.00	195.00	Godkin, David S.
Aug 16/2006	Telephone to Trooper Sullivan	0.25	205.00	51.25	Abate Recht, Erica
Aug 21/2006	Review email from A.Mariani; Email to M.Kirkpatrick and D.Godkin	0.25	205.00	51.25	Abate Recht, Erica
Aug 21/2006	Research regarding prior incidents admissibility	2.00	150.00	300.00	Cantelo, Darleen F.
Aug 22/2006	Attention to filing.	0.25	100.00	25.00	Vogler, G. Brian
Aug 22/2006	Review summary judgment motion	0.75	390.00	292.50	Godkin, David S.
Aug 23/2006	Email A.Mariani regarding summary judgment; joint motion	0.75	390.00	292.50	Godkin, David S.
Aug 23/2006	Prepare Joint Motion to Enlarge Rule 35 exam; Email to A.Mariani regarding same.	1.50	205.00	307.50	Abate Recht, Erica
Aug 24/2006	Joint motion	0.25	390.00	97.50	Godkin, David S.
Aug 25/2006	Telephone from M.Kirkpatrick regarding AA violation of protective order	0.25	390.00	97.50	Godkin, David S.
Aug 28/2006	Review Drs. Faulk and Blumenthal deposition transcripts and designate same pursuant to Protective Order; Letter to A.Mariani regarding same; telephone to J.Cerqueira	3.25	205.00	666.25	Abate Recht, Erica
Aug 28/2006	Letter to American Airlines counsel regarding confidentiality issues	0.25	390.00	97.50	Godkin, David S.
Aug 29/2006	Telephone to Trooper Sullivan	0.25	205.00	51.25	Abate Recht, Erica
Sep 6/2006	Review Summary Judgment Motion and telephone to Trooper Sullivan	1.25	205.00	256.25	Abate Recht, Erica
Sep 11/2006	Review draft Statement of Facts; Response to AA Statement of Facts and Memo in Support of Motion for Summary Judgment; Telephone with M.Kirkpatrick and D.Godkin	2.25	205.00	461.25	Abate Recht, Erica

BIRNBAUM & GODKIN LLP
FEE CHART

Page 10

Date	Description	Hours	Rate	Total	Lawyer
Sep 11/2006	Review and revise Statement of Undisputed Facts and Response to American Airlines Statement; teleconference with M. Kirkpatrick	2.00	390.00	780.00	Godkin, David S.
Sep 12/2006	Conference with E. Abate Recht, D. Cantelo regarding summary judgment research	0.50	390.00	195.00	Godkin, David S.
Sep 12/2006	Attention to research issues and meeting with D. Godkin and D. Cantelo regarding same	0.50	205.00	102.50	Abate Recht, Erica
Sep 12/2006	Research regarding summary judgment brief	1.00	150.00	150.00	Cantelo, Darleen F.
Sep 13/2006	Research regarding summary judgment	3.00	150.00	450.00	Cantelo, Darleen F.
Sep 14/2006	Conference with E. Abate Recht regarding mediation statement	0.25	390.00	97.50	Godkin, David S.
Sep 14/2006	Draft Settlement portion of Mediation Statement; Meeting with D. Cantelo regarding legal research	5.00	205.00	1025.00	Abate Recht, Erica
Sep 14/2006	Research regarding summary judgment brief	6.75	150.00	1012.50	Cantelo, Darleen F.
Sep 15/2006	Review summary judgment cases	0.75	390.00	292.50	Godkin, David S.
Sep 15/2006	Research regarding summary judgment brief and writing citations	3.00	150.00	450.00	Cantelo, Darleen F.
Sep 18/2006	Emails with J. Cerqueira regarding prescription costs	0.25	205.00	51.25	Abate Recht, Erica
Sep 18/2006	Email M. Kirkpatrick	0.25	390.00	97.50	Godkin, David S.
Sep 19/2006	Attention to document production issues and Mediation Statement; Telephone with Clerk regarding mediation	0.50	205.00	102.50	Abate Recht, Erica
Sep 19/2006	Email A. Mariani; email M. Kirkpatrick; review FRCP regarding timing of designation of rebuttal experts; review and revise Confidential Mediation Statement	1.25	390.00	487.50	Godkin, David S.
Sep 20/2006	Conference with E. Abate Recht, D. Cantelo regarding summary judgment, trial issues; conference call with client regarding mediation; revisions to Confidential Mediation Statement	3.00	390.00	1170.00	Godkin, David S.
Sep 20/2006	Telephone with M. Kirkpatrick and D. Godkin and J. Cerqueira; Meeting with D. Cantelo and D. Godkin; Review and revise mediation statement	3.00	205.00	615.00	Abate Recht, Erica
Sep 21/2006	Revise Confidential Mediation Statement; review case law regarding punitive damages regarding attorneys fees	2.50	390.00	975.00	Godkin, David S.
Sep 21/2006	Research regarding mediation memo; research regarding admissibility of evidence	2.50	150.00	375.00	Cantelo, Darleen F.
Sep 22/2006	Attention to Plaintiff's Statement of Undisputed Facts and filing with Federal Court.	0.75	100.00	75.00	Vogler, G. Brian
Sep 22/2006	Revise Confidential Mediation Statement; review summary judgment motion and statement of undisputed facts	2.00	390.00	780.00	Godkin, David S.
Sep 22/2006	Research regarding mediation memo; research regarding admissibility of evidence	2.00	150.00	300.00	Cantelo, Darleen F.
Sep 26/2006	Prepare for mediation	2.00	390.00	780.00	Godkin, David S.
Sep 26/2006	Research regarding whether MCAD probable cause finding admissible	2.50	150.00	375.00	Cantelo, Darleen F.
Sep 27/2006	Mediation	8.50	205.00	1742.50	Abate Recht, Erica
Sep 27/2006	Mediation; conference with client	8.00	390.00	3120.00	Godkin, David S.
Sep 27/2006	Research regarding whether Consent Order admissible	2.00	150.00	300.00	Cantelo, Darleen F.
Sep 28/2006	Telephone to Magistrate Judge Dein regarding mediation	0.25	390.00	97.50	Godkin, David S.

BIRNBAUM & GODKIN LLP
FEE CHART

Page 11

Date	Description	Hours	Rate	Total	Lawyer
Sep 28/2006	research regarding admissibility of Consent Order	4.00	150.00	600.00	Cantelo, Darleen F.
Sep 29/2006	Review draft settlement letter; email M.Kirkpatrick; letter to Magistrate Judge Dein	0.75	390.00	292.50	Godkin, David S.
Sep 29/2006	Research regarding admissibility of consent orders	1.25	150.00	187.50	Cantelo, Darleen F.
Oct 2/2006	Letter to M.Fitzhugh	1.00	390.00	390.00	Godkin, David S.
Oct 2/2006	Research regarding admissibility of consent order	1.50	150.00	225.00	Cantelo, Darleen F.
Oct 3/2006	Review J.Beardslee expert report; review motion regarding trial date; telephone to M.Kirkpatrick	1.50	390.00	585.00	Godkin, David S.
Oct 3/2006	Review of Defendant's expert's report; research regarding admissibility of evidence	2.00	150.00	300.00	Cantelo, Darleen F.
Oct 4/2006	Revise Motion to Strike Expert Report	0.50	390.00	195.00	Godkin, David S.
Oct 5/2006	Attention to document production.	0.25	100.00	25.00	Vogler, G. Brian
Oct 5/2006	Review opposition to motion to strike expert report	0.50	390.00	195.00	Godkin, David S.
Oct 5/2006	Document production	0.50	150.00	75.00	Cantelo, Darleen F.
Oct 10/2006	Opposition to Motion for Extension	2.50	150.00	375.00	Cantelo, Darleen F.
Oct 11/2006	Telephone from Magistrate Judge Dein	0.25	390.00	97.50	Godkin, David S.
Oct 11/2006	Opposition to Motion to Extend	0.50	150.00	75.00	Cantelo, Darleen F.
Oct 13/2006	Revise settlement proposal	0.75	390.00	292.50	Godkin, David S.
Oct 17/2006	Review, revise Opposition to American Airlines summary judgment	1.00	390.00	390.00	Godkin, David S.
Oct 17/2006	Review of Opposition to Summary Judgment	1.50	150.00	225.00	Cantelo, Darleen F.
Oct 18/2006	Attention to Defendant's Response to Plaintiff's Statement of Undisputed Facts	0.25	100.00	25.00	Vogler, G. Brian
Oct 18/2006	Email M.Kirkpatrick	0.25	390.00	97.50	Godkin, David S.
Oct 20/2006	Review American Airlines opposition to motion for partial summary judgment; telephone to M.Kirkpatrick	1.00	390.00	390.00	Godkin, David S.
Oct 23/2006	Letter to A.Mariani	0.50	390.00	195.00	Godkin, David S.
Oct 23/2006	Drafting letter to American Airlines requesting documents mentioned by J.Beardslee in his expert report	0.50	150.00	75.00	Cantelo, Darleen F.
Oct 27/2006	Review motion to reconsider, affidavit	0.25	390.00	97.50	Godkin, David S.
Oct 30/2006	Review Order, Rule 26(a)(3) disclosures, video deposition formatting and courtroom issues; designations of deposition transcripts; letter from M.Fitzhugh	3.50	390.00	1365.00	Godkin, David S.
Oct 30/2006	Drafting of Exhibit and Witness Lists	2.50	150.00	375.00	Cantelo, Darleen F.
Oct 31/2006	Rule 26 disclosures; conference with D.Cantelo; telephone from M.Kirkpatrick; summary judgment reply brief	2.25	390.00	877.50	Godkin, David S.
Oct 31/2006	Research regarding HR 5411 (Department of Homeland Security Appropriations Act)	0.75	150.00	112.50	Cantelo, Darleen F.
Nov 1/2006	Summary judgment reply brief; review American Airlines reply brief	3.75	390.00	1462.50	Godkin, David S.
Nov 1/2006	Review of reply to summary judgment and review of response to American Airline's Statement of facts; research	5.00	150.00	750.00	Cantelo, Darleen F.
Nov 2/2006	Rule 26 Disclosures	2.00	390.00	780.00	Godkin, David S.

BIRNBAUM & GODKIN LLP
FEE CHART

Page 12

Date	Description	Hours	Rate	Total	Lawyer
Nov 3/2006	Rule 26(a)(3) disclosures; review exhibits	2.00	390.00	780.00	Godkin, David S.
Nov 3/2006	Miscellaneous work regarding exhibit and witness disclosures	1.00	150.00	150.00	Cantelo, Darleen F.
Nov 6/2006	Review American Airlines motions in limine, Rule 26 disclosures, pretrial submission	0.75	390.00	292.50	Godkin, David S.
Nov 6/2006	Reading American Airlines drafts of motions in limine, proposed witnesses and proposed exhibits	1.00	150.00	150.00	Cantelo, Darleen F.
Nov 7/2006	Compile Plaintiff's proposed trial exhibits.	0.50	100.00	50.00	Vogler, G. Brian
Nov 7/2006	Review J.Beardslee expert report regarding objections; review Report of Mediator; outline research issues	1.00	390.00	390.00	Godkin, David S.
Nov 7/2006	Work regarding objections to American Airline's exhibits and witnesses	0.75	150.00	112.50	Cantelo, Darleen F.
Nov 8/2006	Conference with D.Cantelo regarding expert issues	0.25	390.00	97.50	Godkin, David S.
Nov 8/2006	Work regarding witness and exhibit objections; call with M.Weigenhamm; research regarding pretrial disclosures	3.75	150.00	562.50	Cantelo, Darleen F.
Nov 9/2006	Conference with D.Cantelo regarding expert issues, objections	0.25	390.00	97.50	Godkin, David S.
Nov 9/2006	Research regarding objection letter of witnesses and exhibits; draft objection letter	7.00	150.00	1050.00	Cantelo, Darleen F.
Nov 10/2006	Revise letter regarding objections, issues for motions in limine	0.75	390.00	292.50	Godkin, David S.
Nov 10/2006	Objection letter; research regarding motion in limine	2.75	150.00	412.50	Cantelo, Darleen F.
Nov 13/2006	Revise letter to A.Mariani; revise motion in limine	0.75	390.00	292.50	Godkin, David S.
Nov 13/2006	Motion in limine to exclude J.Beardslee testimony; read their Motion in limine cases; research regarding Judge Young expert cases	4.25	150.00	637.50	Cantelo, Darleen F.
Nov 14/2006	Review expert depositions; conference with D.Cantelo regarding pre-trial issues	1.50	390.00	585.00	Godkin, David S.
Nov 14/2006	Research regarding Judge Young expert decisions; conference call with M.Kirkpatrick and A.Mariani	1.50	130.00	195.00	Edgerton, Jessica A.
Nov 15/2006	Review Laird deposition; motions in limine; pretrial statement sections	1.75	390.00	682.50	Godkin, David S.
Nov 15/2006	Review motions in limine	0.75	150.00	112.50	Cantelo, Darleen F.
Nov 16/2006	Summary Judgment Motion hearing; conference with M.Kirkpatrick, D.Cantelo regarding joint pretrial memo; objections and counter-designations	4.50	390.00	1755.00	Godkin, David S.
Nov 16/2006	Summary judgment hearing; meeting with M.Kirkpatrick and D.Godkin regarding joint pretrial memo, responses to American Airline's motions in limine	2.25	150.00	337.50	Cantelo, Darleen F.
Nov 17/2006	Drafting joint pretrial exhibit list	2.00	150.00	300.00	Cantelo, Darleen F.
Nov 20/2006	Review American Airlines draft motion; review A.Mariani letter regarding objections to Blumenthal, Faulk exhibits; joint pretrial memo	1.75	390.00	682.50	Godkin, David S.
Nov 20/2006	Research regarding joint pretrial memorandum; draft deposition designations and responses for joint pretrial memo	8.00	150.00	1200.00	Cantelo, Darleen F.
Nov 21/2006	Joint Pretrial Memo	0.50	390.00	195.00	Godkin, David S.
Nov 21/2006	Work regarding pretrial memo; research regarding oppositions to motions in limine	5.75	150.00	862.50	Cantelo, Darleen F.
Nov 22/2006	Joint pretrial memo; responses to exhibit objections; review court orders; motions in limine	4.00	390.00	1560.00	Godkin, David S.

BIRNBAUM & GODKIN LLP
FEE CHART

Page 13

Date	Description	Hours	Rate	Total	Lawyer
Nov 22/2006	Work regarding pretrial memo; work regarding oppositions to motions in limine	5.00	150.00	750.00	Cantelo, Darleen F.
Nov 27/2006	Joint Pretrial Memorandum	1.00	390.00	390.00	Godkin, David S.
Nov 27/2006	Work regarding pretrial memo; work regarding opposition to motions in limine	5.25	150.00	787.50	Cantelo, Darleen F.
Nov 28/2006	Research regarding oppositions to motion in limine; call with D. Godkin and M. Kirkpatrick regarding oppositions to motion in limine	5.75	150.00	862.50	Cantelo, Darleen F.
Nov 28/2006	Research regarding oppositions to motion in limine; teleconference with D. Godkin and M. Kirkpatrick regarding oppositions to motion in limine; drafting and editing oppositions to motion in limine	5.75	150.00	862.50	Cantelo, Darleen F.
Nov 28/2006	Review court order regarding motion in limine; revise oppositions to motions in limine; conference call with M. Kirkpatrick, D. Cantelo regarding consent order issues	4.25	390.00	1657.50	Godkin, David S.
Nov 29/2006	Review proposed Joint motion regarding Drs. Blumenthal, Faulk exhibits; review transcripts; email American Airlines' counsel; trial preparation	3.50	390.00	1365.00	Godkin, David S.
Nov 29/2006	Research regarding consent orders	1.00	150.00	150.00	Cantelo, Darleen F.
Nov 30/2006	Review deposition transcripts in preparation for trial; review American Airlines oppositions to motions in limine	1.50	390.00	585.00	Godkin, David S.
Nov 30/2006	Work regarding opposition to motion in limine regarding consent order	4.00	150.00	600.00	Cantelo, Darleen F.
Dec 1/2006	Opposition to motion in limine regarding consent order; responses to American Airlines deposition objections; review deposition transcripts	4.50	390.00	1755.00	Godkin, David S.
Dec 1/2006	Reading American Airline's opposition to motions in limine; edits to Cerqueira's oppositions to motions in limine	2.00	150.00	300.00	Cantelo, Darleen F.
Dec 4/2006	Oppositions to motions in limine; read deposition transcripts	2.25	390.00	877.50	Godkin, David S.
Dec 4/2006	Miscellaneous work regarding filing opposition to American Airline's motions in limine	3.00	150.00	450.00	Cantelo, Darleen F.
Dec 5/2006	Attention to case management.	0.25	100.00	25.00	Vogler, G. Brian
Dec 5/2006	Trial preparation; teleconference with M. Kirkpatrick regarding trial preparation	2.50	390.00	975.00	Godkin, David S.
Dec 5/2006	Teleconference with D. Godkin and M. Kirkpatrick regarding trial preparation; research regarding Young jury instructions	3.00	150.00	450.00	Cantelo, Darleen F.
Dec 6/2006	Trial preparation; prepare for final pretrial conference	1.50	390.00	585.00	Godkin, David S.
Dec 6/2006	Research regarding jury instructions on discrimination; other Judge Young jury instructions; cases on Judge Young's jury instructions	4.00	150.00	600.00	Cantelo, Darleen F.
Dec 7/2006	Call with J. Cerqueira, M. Kirkpatrick; draft settlement proposal	1.75	390.00	682.50	Godkin, David S.
Dec 7/2006	Research regarding jury instructions	2.00	150.00	300.00	Cantelo, Darleen F.
Dec 8/2006	Joint pretrial memo; review orders on motions in limine	1.50	390.00	585.00	Godkin, David S.
Dec 11/2006	Attention to case management.	0.50	100.00	50.00	Vogler, G. Brian
Dec 11/2006	Miscellaneous work regarding final pretrial conference preparation	0.50	150.00	75.00	Cantelo, Darleen F.
Dec 12/2006	Final Pretrial Conference; deposition designations	3.75	390.00	1462.50	Godkin, David S.

**BIRNBAUM & GODKIN LLP
FEE CHART**

Page 14

Date	Description	Hours	Rate	Total	Lawyer
Dec 12/2006	Final pretrial conference; designating depositions of Drs. Faulk and Blumenthal	3.25	150.00	487.50	Cantelo, Darleen F.
Dec 13/2006	Attention to case management.	0.50	100.00	50.00	Vogler, G. Brian
Dec 13/2006	Review rulings on motions in limine	0.50	390.00	195.00	Godkin, David S.
Dec 13/2006	Trial preparation: telephone to M. Wangenheim regarding deposition transcript designations; letter to A. Mariani regarding same; miscellaneous work regarding trial exhibits	0.75	150.00	112.50	Cantelo, Darleen F.
Dec 14/2006	Telephone to J. Cerqueira; review letter from M. Fitzhugh; review motion for reconsideration	1.25	390.00	487.50	Godkin, David S.
Dec 14/2006	Telephone call with C. Gross of U.S. District Court regarding courtroom technology	0.25	150.00	37.50	Cantelo, Darleen F.
Dec 15/2006	Trial preparation	0.25	390.00	97.50	Godkin, David S.
Dec 15/2006	Research regarding jury instructions; review of American Airline's deposition designations; reading Laird deposition transcript; draft Laird direct exam outline	6.25	150.00	937.50	Cantelo, Darleen F.
Dec 18/2006	Review draft opposition to motion for reconsideration; trial preparation	3.50	390.00	1365.00	Godkin, David S.
Dec 18/2006	Drafting jury instructions; drafting Laird direct outline	3.00	150.00	450.00	Cantelo, Darleen F.
Dec 19/2006	Trial preparation; review	2.25	390.00	877.50	Godkin, David S.
Dec 19/2006	Drafting Laird Direct Examination outline; Miscellaneous trial preparation	4.00	150.00	600.00	Cantelo, Darleen F.
Dec 20/2006	Trial preparation; outline Laird examination; court technology; review rulings on deposition objections	3.50	390.00	1365.00	Godkin, David S.
Dec 20/2006	Meeting at Court to go over technology	1.00	150.00	150.00	Cantelo, Darleen F.
Dec 21/2006	Trial preparation, opening statement; videotaped deposition issues	2.00	390.00	780.00	Godkin, David S.
Dec 21/2006	Research regarding jury instructions	1.00	150.00	150.00	Cantelo, Darleen F.
Dec 22/2006	Trial preparation; teleconference with D. Laird, M. Kirkpatrick; subpoenas; revise D. Laird direct; telephone to jury consultant; open statement	4.00	390.00	1560.00	Godkin, David S.
Dec 26/2006	Trial preparation: revise jury instructions; email M. Fitzhugh regarding trial subpoenas	3.00	390.00	1170.00	Godkin, David S.
Dec 26/2006	Drafting jury instructions; research regarding voir dire questions	7.00	150.00	1050.00	Cantelo, Darleen F.
Dec 27/2006	Revise jury instructions; prepare opening statement; letter to court regarding trial witnesses; voir dire questions	4.00	390.00	1560.00	Godkin, David S.
Dec 27/2006	Drafting voir dire questions; reviewing deposition DVD of Drs. Blumenthal and Faulk; editing jury instructions and cite checking; reviewing trial exhibits to be used with witnesses; calls with M. Paine regarding testing DVD of depositions; review American Airlines DVD	6.50	150.00	975.00	Cantelo, Darleen F.
Dec 28/2006	Telephone from M. Fitzhugh; jury instructions; voir dire questions; jury verdict form; review AA voir dire, request for pretrial charge, opening statement	5.00	390.00	1950.00	Godkin, David S.
Dec 28/2006	Reading American Airline's Jury Instructions, Proposed Voir Dire; pretrial charge; work regarding filing trial brief and related documents; editing jury instructions and cite checking; research regarding punitive damages	7.25	150.00	1087.50	Cantelo, Darleen F.
Dec 28/2006	Work regarding filing trial brief, proposed jury instructions, voir dire; pretrial charge; drafting pretrial charge	6.00	150.00	900.00	Cantelo, Darleen F.
Dec 29/2006	Trial preparation.	8.00	100.00	800.00	Vogler, G. Brian

BIRNBAUM & GODKIN LLP
FEE CHART

Page 15

Date	Description	Hours	Rate	Total	Lawyer
Dec 29/2006	Finalize jury instructions, request for pretrial charge, voir dire, trial brief, jury verdict form	6.00	390.00	2340.00	Godkin, David S.
Jan 1/2007	Reading deposition transcripts of Walling and Sargent	2.00	150.00	300.00	Cantelo, Darleen F.
Jan 2/2007	Trial preparation.	0.25	100.00	25.00	Vogler, G. Brian
Jan 2/2007	Trial preparation; meeting with D. Godkin and M. Kirkpatrick; trial preparation meeting with client; miscellaneous trial preparation	9.00	150.00	1350.00	Cantelo, Darleen F.
Jan 2/2007	Trial preparation; conference with M. Kirkpatrick; conference with J. Cerqueira; prepare direct/cross	8.00	390.00	3120.00	Godkin, David S.
Jan 3/2007	Research and drafting motion to sequester witnesses; trial day 1; hearing regarding jurors; research regarding jury charge	6.25	150.00	937.50	Cantelo, Darleen F.
Jan 3/2007	Trial Day 1: court appearance regarding jury issues; prepare for Day 2	8.00	390.00	3120.00	Godkin, David S.
Jan 3/2007	Attend to materials for trial.	1.00	100.00	100.00	Vogler, G. Brian
Jan 4/2007	Draft Walling and Sargent cross-examinations; draft Notice of Intent to use Testimony of Witnesses and letter to Fitzhugh re: same.	7.25	150.00	1087.50	Cantelo, Darleen F.
Jan 4/2007	Trial preparation; draft cross examination outlines; prepare rule 43.1 notice; letter M. Fitzhugh	7.00	390.00	2730.00	Godkin, David S.
Jan 5/2007	Research regarding habit evidence; draft Opposition to expected JMOL; research regarding jury instructions; miscellaneous trial preparation; review drafts of Ehlers & Marquis hostile direct.	8.75	150.00	1312.50	Cantelo, Darleen F.
Jan 5/2007	Prepare cross examination outlines; telephone to Trooper Sullivan; emails from M. Fitzhugh regarding exhibits, witness order, etc.	7.00	390.00	2730.00	Godkin, David S.
Jan 6/2007	Review of Walling and Sargent deposition transcripts.	1.50	150.00	225.00	Cantelo, Darleen F.
Jan 6/2007	Prepare for J. Cerqueira cross examination; review American Airlines motions	3.00	390.00	1170.00	Godkin, David S.
Jan 7/2007	Research regarding habit evidence; meeting with J. Cerqueira, M. Kirkpatrick and D. Godkin.	5.00	150.00	750.00	Cantelo, Darleen F.
Jan 7/2007	Prepare for J. Cerqueira continued direct and cross examinations; prepare for Trial Day 2	5.50	390.00	2145.00	Godkin, David S.
Jan 8/2007	Trial Day 2; trial preparation; draft JMOL; strategy meeting with D. Godkin and M. Kirkpatrick; research regarding punitive damages.	8.75	150.00	1312.50	Cantelo, Darleen F.
Jan 8/2007	Attend to materials for trial.	0.75	100.00	75.00	Vogler, G. Brian
Jan 8/2007	Trial Day 2; prepare for Day 3	10.00	390.00	3900.00	Godkin, David S.
Jan 9/2007	Trial Day 3; trial preparation; research regarding mixed motive jury instruction; draft supplemental jury instructions.	11.25	150.00	1687.50	Cantelo, Darleen F.
Jan 9/2007	Trial Day 3; prepare for Day 4	10.75	390.00	4192.50	Godkin, David S.
Jan 10/2007	Trial Day 4; trial preparation; drafting chalks; strategy meeting with D. Godkin and M. Kirkpatrick; preparation work on closing argument.	8.50	150.00	1275.00	Cantelo, Darleen F.
Jan 10/2007	Trial Day 4; prepare for closing argument	10.00	390.00	3900.00	Godkin, David S.
Jan 11/2007	Trial Day 5.	8.50	150.00	1275.00	Cantelo, Darleen F.
Jan 11/2007	Trial Day 5	9.00	390.00	3510.00	Godkin, David S.

BIRNBAUM & GODKIN LLP
FEE CHART

Page 16

Date	Description	Hours	Rate	Total	Lawyer
Jan 12/2007	Trial Day 6.	7.25	150.00	1087.50	Cantelo, Darleen F.
Jan 12/2007	Trial Day 6	7.50	390.00	2925.00	Godkin, David S.
		TOTAL:	816.75	TOTAL:	\$204,397.50

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	Hours	Rate	Amount
David S. Godkin	302.00	390.00	\$117,780.00
Erica Abate Recht	200.00	205.00	\$41,000.00
Darleen F. Cantelo	258.25	150.00	\$38,737.50
Jessica A. Edgerton	41.00	130.00	\$5,330.00
G. Brian Vogeler	15.50	100.00	\$1,550.00

EXHIBIT C

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 03-10319-RWZ

ERIC SARSFIELD

v.

CITY OF MARLBOROUGH, et al.

ORDER ON PETITION FOR ATTORNEYS' FEES AND COSTS

January 26, 2007

ZOBEL, D.J.

Plaintiff had been unjustly convicted of rape and served nearly ten years in prison before being exonerated and released. He sued the City of Marlborough and several of its police officers for violations of his constitutional rights. The City ultimately agreed to the entry of a judgment of liability together with the payment of a sum certain and the assignment of its rights against third parties. After an evidentiary hearing the court assessed damages in the amount of \$13,655,940. Plaintiff now petitions for an award of attorneys' fees pursuant to 42 U.S.C. § 1988 which provides that in a civil rights action like this one "the court, in its discretion, may allow the prevailing party... a reasonable attorney's fee as part of the costs." The petition is unopposed.

First, plaintiff is unquestionably the prevailing party. He succeeded in all aspects of his claim except for the collection of all of the damages awarded.

Second, this case was litigated energetically. Plaintiff necessarily conducted broad discovery; he took and defended numerous depositions. He also had to discover

much of the evidence from the Massachusetts State Police, which vigorously opposed many of plaintiff's requests. The issues raised were not trivial and were well and extensively briefed. Many hours were spent in settlement negotiations and efforts to ascertain the availability of and reach insurance. Finally, plaintiff prepared for and conducted the damages trial. I find the claimed hours to be reasonable.

Third, the requested hourly rates are reasonable under the circumstances of this case. Plaintiff seeks \$450 per hour for Barry Scheck and \$250 per hour for Deborah Cornwall, the prevailing rates for lawyers with their experience and expertise in New York, the place of their practice. Mr. Scheck is the co-director of the Innocence Project at the Benjamin N. Cardozo School of Law. He has pioneered the use of DNA analysis to right wrongful convictions, he has lectured and written about eyewitness misidentification and has gained a national reputation in this area of law. Ms. Cornwall, although less experienced in years at the bar, has concentrated almost entirely on wrongful convictions cases all around the country with notable success. Although Boston boasts a significant number of excellent civil rights lawyers, at the time this case began, the choice of Mr. Scheck and his partner was fully justified and eminently reasonable. Finally, I note the contingent nature of any fee in this field. Ultimate success is dictated by many factors unrelated to the merits of the case and counsel take the risk of nonpayment.

Based on the affidavits of counsel and the considerations outlined above plaintiff is awarded \$283,907.50 in fees.

Plaintiff also claims reimbursement of costs in the total amount of \$92,457.48.

He includes travel, investigation and expert fees, deposition expenses, and mailing costs. Plaintiff claims under 42 U.S.C. § 1988, but the costs allowable under that section are only those delineated in 28 U.S.C. § 1920. Specifically, plaintiff is not entitled to recover costs of experts and deposition costs except for depositions of witnesses who testified at trial. Plaintiff's compilation of costs is unclear as to which items are recoverable and which are not. Accordingly, he shall file a revised schedule of costs that encompasses only those allowed by 28 U.S.C. § 1920.

January 26, 2007

DATE

/s/Rya W. Zobel

RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE